

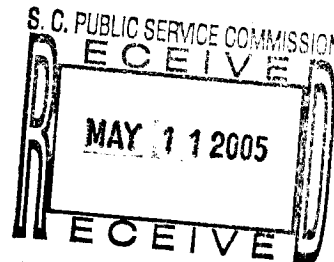
ELLIOTT & ELLIOTT, P.A.
ATTORNEYS AT LAW
721 OLIVE STREET
COLUMBIA, SOUTH CAROLINA 29205
selliott@elliottlaw.us

SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

May 10, 2005

Mr. Charles Terreni
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211



RE: Annual Review of Base Rates for Fuel Costs for Duke Power
Docket No. 2005-3-E

Dear Mr. Terreni:

Enclosed please find for filing an original and ten (10) copies of the Petition to Intervene of the South Carolina Energy Users Committee ("SCEUC") in the above-captioned matter. By copy of this letter, I am serving all parties of record.

JE I have enclosed an extra copy of this petition which I would ask you to date stamp and return to me in the stamped self-addressed envelope enclosed for your convenience. If you have questions, please feel free to contact me.

Sincerely Yours,

ELLIOTT & ELLIOTT, P.A.

Scott Elliott

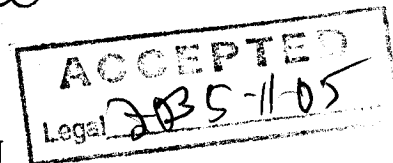
SE/jcl
Enclosures

c: All parties of record (w/Encl.)

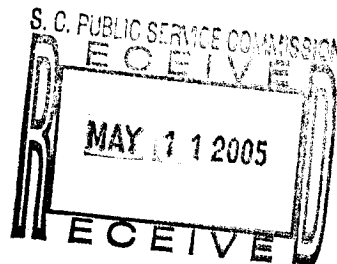
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ORIGINAL

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION



DOCKET NO. 2005-3-E



IN THE MATTER OF:)
)
Duke Power Annual Review of Base)
Rates for Fuel Costs)

PETITION TO INTERVENE

The South Carolina Energy Users Committee ("SCEUC") hereby petitions the South Carolina Public Service Commission ("Commission") pursuant to R.103-836 of the Commission's rules and regulations to intervene and be made a party of record in the above-captioned docket. In support of this Petition, SCEUC would allege as follows:

1. That S.C. Code Ann. §58-27-865 (Supp. 2000) establishes a procedure for annual fuel hearings to allow the Commission and all interested parties the review the fuel purchasing practices and policies of Duke Power and for the Commission to determine if any adjustment in the fuel cost recovery mechanism is necessary and reasonable.
2. That SCEUC is an association organized in the State of South Carolina, consisting of large consumers of energy which are engaged in various manufacturing enterprises throughout the State.
3. That a number of members of SCEUC purchase and consume substantial amounts of electricity from Duke Power.


OK D. Duke
OK D. Duke

4. That SCEUC and its members have a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and the interests of its members are not adequately represented by the current parties to this proceeding.

5. That given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time.

6. That granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

7. That in accordance with Rule R. 103-804 (S) of the Commission's Rules of Practice and Procedure, Petitioner is represented by counsel in this proceeding:



Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, South Carolina 29205
Telephone: 803-771-0555
Fax: 803-771-8010

WHEREFORE, Petitioner prays for the following relief:

- a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;
- b. That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and

- c. For such other and further relief as is just and proper.



Scott Elliott, Esquire
ELLIOTT & ELLIOTT, P.A.
721 Olive Street
Columbia, S.C. 29205
(803) 771-0555

Attorney for the South Carolina Energy
Users Committee

Columbia, South Carolina
May 10, 2005

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Duke Power Annual Review of Base Rates for Fuel Costs

DOCKET NO.: 2005-3-E

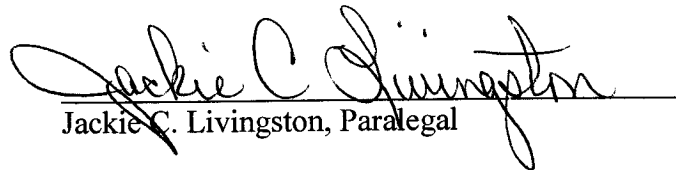
PARTIES SERVED:

Lara Nichols, Assistant General Counsel
Law Department
Duke Power, PB05E
P. O. Box 1244
Charlotte, NC 28201-1244

C. Dukes Scott
Executive Director
ORS
P. O. Box 11263
Columbia, SC 29211

PLEADING: PETITION TO INTERVENE BY SOUTH CAROLINA
ENERGY USERS COMMITTEE

May 10, 2005


Jackie C. Livingston, Paralegal